

List of 42 Types of Iron Ore Traded on the Platform (Categories in quality and type)
平台交易铁矿石类型清单(按产品品质类型划分)

I. 2012年4月22日发布的清单 (34种)
The List released on April 22, 2012 (34 types)

- 1、粉矿
1. Fines
1) PB 粉、纽曼粉、扬迪粉1、扬迪粉2、麦克粉、罗布河粉、火箭粉、特粉、超特粉、V65 粉、V63.5 粉、V62 粉、V58 粉
1) PB Fines, Newman Fines, Yandi Fines1, Yandi Fines2, Mac Fines, Robe River Fines, Rocket Fines, Special Fines, Super Special Fines, V65 Fines, V63.5 Fines, V62 Fines, V58 Fines.
2) 粉矿 : 67%, 65%, 63.5%, 62%, 60%, 58%, 56%, 54%, 52%
2) Fines: 67%, 65%, 63.5%, 62%, 60%, 58%, 56%, 54%, 52%
2、块矿
2. Lump
1) 块矿 : PB 块、麦克块、纽曼块、罗布河块
1) Lump: PB Lump, Mac Lump, Newman Lump, Robe River Lump
2) 块矿 : 63%, 62%, 60%, 58%
2) Lump: 63%, 62%, 60%, 58%
3、球团 : 65%, 63%
3. Pellet: 65%, 63%
4、造球精粉 : 66%, 63%
4. Concentrate: 66%, 63%

II. 2012年6月1日调整 (增加六种)
Adjustment on June 1, 2012 (six types were added)

A. 增加交易标的/Increased Trading Products:

1.典型品粉矿/Typical Product of Fines:

阿特拉斯粉 / Atlas Fines

元素 (Element)	保证值 (Guarantee Value)
Fe	57.50% min
SiO2	8.00% max

AL2O3	2.20% max
S	0.035% max
P	0.10% max
LOI	8.00% max
Moisture	6.00% max
+9.50mm	5.00% max

2. 一般品粉矿/General Product of Fines:

(1) 61%粉 / 61% Fines

元素 (Element)	基准值 (Basis Value)	保证值 (Guarantee Value)
Fe	61.00%	60.00% min
SiO2	-	6.00% max
AL2O3	-	4.00% max
S	-	0.10% max
P	-	0.10% max
Moisture	-	10.00% max

(2) 57%粉 / 57% Fines

元素 (Element)	基准值 (Basis Value)	保证值 (Guarantee Value)
Fe	57.00%	56.00% min
SiO2	-	7.00% max
AL2O3	-	5.00% max
S	-	0.10% max
P	-	0.10% max
Moisture	-	10.00% max

B. 交易标的规格变更/Specification Adjustment of Partial Trading Product

1. 一般品粉矿/General Product of Fines:

62%粉 / 62% Fines

元素 (Element)	基准值 (Basis Value)	保证值 (Guarantee Value)
Fe	62.00%	61.00% min

SiO2	-	6.00% max
AL2O3	-	4.00% max
S	-	0.10% max
P	-	0.10% max
Moisture		10.00% max

2.一般品块矿/General Product of Lump:

(1) 63%块 /63% Lump

元素 (Element)	基准值 (Basis Value)	保证值 (Guarantee Value)
Fe	63.00%	62.00% min
SiO2	-	5.00% max
AL2O3	-	4.50% max
P	-	0.09% max
S	-	0.09% max
Moisture		5.00% max
SIZE		
+31.5mm	-	25.00% max
-6.3mm	-	20.00% max

(2) 62%块 / 62% Lump

元素 (Element)	基准值 (Basis Value)	保证值 (Guarantee Value)
Fe	62.00%	61.00% min
SiO2	-	5.50% max
AL2O3	-	5.00% max
P	-	0.10% max
S	-	0.10% max
Moisture		6.50% max
SIZE		
+31.5mm	-	25.00% max
-6.3mm	-	20.00% max

III. 2012年6月1日调整 (增加两种)

Adjustment on June 1, 2012 (two types were added)

1. 典型品粉矿 / Typical Product of Fines:

(1) 卡拉加斯粉 / IOCJ

元素 (Element)	典型值 (Typical Value)	保证值 (Guarantee Value)
Fe	65.00%	64.20% min
SiO ₂	2.70%	3.50% max
Al ₂ O ₃	1.2%	1.60% max
P	0.02%	0.03% max
Mn	0.75%	1.10% max
LOI	2.00%	-
Moisture	8.50%	9.50% max
SIZE		
+6.3mm	18.00%	24.00% max
+1.00mm	50.0%	-
-0.15mm	18.00%	24.00% max

2. 典型品块矿 / Typical product of Lump

(2) Vale 未筛分块/ Vale-LONS

元素 (Element)	典型值 (Typical Value)	保证值 (Guarantee Value)
Fe	63.90%	63.00% min
SiO ₂	3.60%	4.10% max
Al ₂ O ₃	2.00%	2.50% max
P	0.065%	0.085% max
Mn	0.25%	0.45% max
LOI	2.50%	-
Moisture	4.00%	5.50% max
SIZE		
+31.5mm	12.00%	-
-6.30mm	14.00%	22.00% max

<http://www.miit.gov.cn/n11293472/n11293832/n11293907/n11368223/14849868.html>

废钢铁加工行业准入条件

为推动废钢铁资源综合利用工作深入开展,加强废钢铁加工行业管理,规范废钢铁加工行业生产经营行为,积极推进废钢铁供需衔接,提高集约化加工经营水平和废钢铁加工质量,加强废钢铁产业规模化、现代化,优化资源配置,实现精料入炉,促进废钢铁加工行业科学健康可持续发展,依据国家有关产业政策要求,制定本准入条件。

一、企业布局和建设要求

(一)新建或者改、扩建废钢铁加工配送企业应符合有关法律法规规定,符合国家产业政策、土地供应政策及本地区土地利用总体规划、城乡建设规划和主体功能区规划的要求,企业建设应有规范化设计要求。

(二)在国家法律、法规、规章和规划确定或县级及以上人民政府规定的自然保护区、风景名胜区、饮用水源保护区、基本农田保护区和其他需要特别保护的区域内,居民聚集区和其他严防污染的企业周边 1 公里内,不得新建废钢铁加工配送企业。已在上述区域投产运营的废钢铁加工配送企业要根据该区域规划要求,在一定期限内,通过依法搬迁、转产等方式逐步退出。

(三)新建或者改、扩建废钢铁加工配送企业应符合国家土地管理的相关政策和规定,应符合国家和本地区土地供应政策,以及禁止和限制用地项目目录、工业项目建设用地控制指标等相关土地使用标准的规定,依法做好征地补偿安置、耕地占补平衡工作。

二、规模、工艺和装备

(一)新建废钢铁加工配送企业年度废钢铁加工能力必须在 15 万吨以上;到 2014 年底,改造、扩建废钢铁加工配送企业年度废钢铁加工能力应达到 10 万吨以上。

(二)新建废钢铁加工配送企业要求厂区面积不小于 3 万平米,土地使用手续合法(租用合同不少于 15 年),作业场地不小于 1.5 万平米。新建企业应配有剪切设备或破碎设备以及配套装卸设备和车辆等,必须配备辐射监测仪器、电子磅和非钢铁类夹杂物分类设备等。

(三)改造、扩建废钢铁加工配送企业要求厂区面积不小于 2 万平米,土地使用手续合法(租用合同不少于 15 年),作业场地不小于 1 万平米。改造、扩建企业应配有剪切设备或破碎设备以及配套装卸设备和车辆等,必须配备辐射监测仪器、电子磅和非钢铁类夹杂物分类设备等。

(四)新建、改扩建废钢铁加工配送企业应选择生产效率高、加工工艺先进、能耗低、环保达标和资源综合利用率高的加工生产系统。必须配套有粉尘收集、污水处理和噪音控制等环境保护设施,加工工艺和设备应满足国家产业政策、禁止和限制用地项目目录的有关要求。

(五)鼓励企业积极开发使用节能、环保、高效的新技术、新工艺、新装备,逐步淘汰鳄鱼剪式剪切机。

三、产品质量

（一）废钢铁加工产品达到国家废钢铁标准，杜绝任何夹带和掺假。

（二）废钢铁加工配送企业应配备专职质量管理人员，建立质量管理制度。鼓励通过 ISO 质量管理体系认证和环境管理体系认证。

四、能源消耗和资源综合利用

（一）新建及改扩建废钢铁加工配送企业加工生产系统综合电耗应低于 30 千瓦时/吨废钢铁，新水消耗应低于 0.2 吨/吨废钢铁。

（二）对加工废钢铁过程中产生的各种夹杂物，如有色金属、塑料、橡胶、木块、纤维、渣土、机油、汽油、氟利昂、电池等，应有相应的回收、处理措施和合法流向，避免二次污染。

五、环境保护

（一）新建或改、扩建废钢铁加工配送企业应严格执行环境影响评价制度，按照环境保护主管部门的相关规定报批环境影响评价文件。按照环境保护“三同时”的要求建设配套的环境保护设施并依法申请项目竣工环境保护验收，经环保部门验收合格后，方可投入生产。

（二）按照环境保护主管部门和相关制度规定依法履行环境保护义务，应有完善的环境保证体系：

- 1.料场必须安装或配备有放射性检测设备。
- 2.地面必须进行硬化处理。
- 3.破碎生产线应配套安装除尘设备。
- 4.废钢铁加工配送企业污染物排放应达到《污水综合排放标准》、《大气污染物综合排放标准》要求，应满足工业固废、危险废物处理处置和污染物排放总量指标等要求。
- 5.废钢铁加工配送企业噪声应达到《工业企业厂界环境噪声排放标准》要求，具体标准应根据当地人民政府划定的区域类别执行。
- 6.有毒有害、易燃易爆等残余物应按国家有关要求交有相关资质的企业集中进行处理。
- 7.设有专职环保管理人员和完善的安全环保制度。

（三）废钢铁加工配送企业应有雨水、生产废水、生活废水的收集和循环利用系统，废水经无害化处理后达标排放，或者排入城市污水集中处理系统处理；应有废油回收储存设备和相关处理措施。废钢铁加工配送企业应有突发环境事件或污染事件应急设施和处理预案，消防设施应达到国家标准要求。

六、人员培训

废钢铁加工配送企业应制定完善的岗位操作守则和工作流程，明确人员岗位责任和工作

权限,对大型破碎机、门式剪切机、抓钢机等大型设备操作人员和质量检验等关键岗位人员必须进行相关岗位技能培训,取得人力资源和劳动保障部颁发的相关工种职业技能证书,实行持证上岗制度。鼓励企业组织人员参加行业培训,提高企业人员素质。

七、安全生产、职业健康和社会责任

(一)废钢铁加工配送企业应符合国家《安全生产法》、《职业病防治法》等法律法规规定,具备相应的安全生产、劳动保护和职业危害防治条件,对作业环境的粉尘、噪声等进行有效治理,达到国家卫生标准,配备有相应的安全防护设施和安全管理人員,建立、健全安全生产责任制,开展安全生产标准化建设,并按规定限期达标。

(二)新、改、扩建企业安全设施和职业危害防治设施必须与主体工程同时设计、同时施工、同时投入生产和使用;废钢铁加工配送企业安全设施设计、投入生产和使用前,应依法经过安全生产监督管理部门审查、验收。

(三)废钢铁加工配送企业的作业环境应满足《工业企业设计卫生标准》和《工业场所有害因素职业接触限值》的要求。

(四)废钢铁加工配送企业应有健全的安全生产组织管理体系,应有职工安全生产培训制度和安全生产检查制度。

(五)废钢铁加工配送企业用工制度应符合《劳动合同法》规定。

八、监督管理

(一)新建和改扩建项目应当符合准入条件要求。各有关部门在对废钢铁加工配送企业进行投资管理、土地供应、信贷融资、安全许可、生产许可等工作应以准入条件为依据。

(二)各级工业和信息化主管部门会同环境保护等有关部门对废钢铁加工配送企业执行准入条件的情况进行监督检查。相关行业协会协助国家有关部门做好监督和管理工.作,对废钢铁加工配送企业的经营管理模式、技术工艺、发展规划以及与钢铁企业之间建立配送机制进行指导。

(三)各级工业和信息化主管部门要加强对废钢铁加工行业的管理,督促现有企业加快技术改造,规范各项管理,达到准入条件规定的各项标准要求。

(四)工业和信息化部在征求环境保护部等有关部门意见后,负责公告符合准入条件的企业名单,实行社会监督并进行动态管理。

(五)充分发挥社会舆论督导作用,让社会公众广泛参与监督,加快行业淘汰落后产能和产业升级。

九、附则

（一）本准入条件适用于中华人民共和国境内（香港、澳门、台湾地区除外）所有类型废钢铁加工配送企业。

（二）本准入条件涉及的法律法规、国家标准和行业政策若进行修订，按修订后的规定执行。

（三）本准入条件自发布之日起实施，由工业和信息化部负责解释，并根据行业发展情况和宏观调控要求适时进行修订。

ADMITTANCE CONDITIONS OF SCRAP STEEL PROCESSING INDUSTRY

This regulation is enacted in order to promote the comprehensive utilization of scrap steel resources, to strengthen the administration of the scrap steel processing industry, to regulate the production and management of the scrap steel processing industry and to facilitate the healthy and sustainable development of the scrap steel processing industry. This regulation is enacted in accordance with the requirements of the relevant state industrial policies.

Chapter I The Layout and Construction Requirements for Enterprises

Section 1 The construction, rebuilding or expansion of the scrap steel processing or distribution enterprises shall comply with the relevant law and regulation, the national industry and land supply policies, the local integrated land utilization, urban construction and overall functional area planning. The construction of enterprises shall comply with its standard design requirements.

Section 2 It is prohibited to construct new scrap steel processing or distribution enterprises in the natural preservation areas, scenic spot, water conservation areas, basic farmland preservation areas or other protection areas or within 1 km around the residential district or other enterprises which are protected against pollution. Scrap steel processing or distribution enterprises which have been operated shall be retreated gradually in the allotted time by relocation or switching to other products.

Section 3 The construction, rebuilding or expansion of the scrap steel processing or distribution enterprises shall comply with the relevant national land administration regulations and policies and relevant land utilization standard. Those enterprises shall complete the land-requisition compensation and resettlement, arable land compensation and balance legally.

Chapter II Scale, Processing and Equipment

Section 1 The scrap steel processing capacity of the newly-constructed scrap steel processing or distribution enterprises shall above 150,000 ton per year. By the end of 2014, the scrap steel processing capacity of the rebuilt or expanded scrap steel processing or distribution enterprise shall above 100,000 ton per year.

Section 2 The factory area of the newly-constructed scrap steel processing or distribution enterprises shall above 30,000 m², which shall have lawful land-use formalities (lease the land for no less than 15years) and possess a processing area for no less than 15,000 m². These newly-constructed scrap steel processing or distribution enterprises shall be equipped with all necessary loading and unloading device and vehicles, radiation monitoring instrument and other equipments.

Section 3 The factory area of the rebuilt or expanded scrap steel processing or distribution enterprises shall above 20,000 m², which shall have lawful land-use formalities (lease the land for no less than 15years) and possess a processing area for no less than 10,000 m². These rebuilt or expanded scrap steel processing or distribution enterprises shall be equipped with all necessary loading and unloading

device and vehicles, radiation monitoring instrument and other equipments.

Section 4 The newly-constructed, rebuilt or expanded scrap steel processing or distribution enterprises shall select processing and producing system with high productivity, advanced technology, low energy consumption, environmentally qualified and high energy-efficiency. Those enterprises shall be equipped with qualified dust collect, sewage disposal, noise control and other environmental protection facilities which meet the relevant national standard.

Section 5 The scrap steel processing or distribution enterprises are encouraged to develop and use energy saving, environmentally friendly and high efficiency new science, technology, and devices, to gradually obsolete crocodile-style cut machine.

Chapter III Quality of Products

Section 1 Scrap steel processing products shall reach the national scrap steel standard, and shall not adulterate or add unnecessary substance.

Section 2 The scrap steel processing or distribution enterprises shall be equipped with professional quality administration staff and establish quality management system. Those enterprises are encouraged to pass the ISO quality management certification and environmental management certification.

Chapter III Energy Consumption and Comprehensive Utilization of Resources

Section 1 The power and new-water consumption of the processing and producing system in the newly-constructed, rebuilt or expanded scrap steel processing or distribution enterprises shall below 30 KWH per ton scrap steel and 0.2 ton per ton scrap steel.

Section 2 All the inclusions from the scrap steel processing, e.g. nonferrous metals, plastics, rubbers, wood bricks, fiber, gasoline, freon, batteries, shall be recycled, disposed lawfully to avoid secondary pollution.

Chapter V Environmental Protection

Section 1 The newly-constructed, rebuilt or expanded scrap steel processing or distribution enterprises shall strictly comply with the environmental impact assessment system and apply for environmental protection administration's approval on environmental impact assessment files in accordance with the administration procedure. Matched environmental protection facilities shall be constructed in accordance with the 'three-synchronic' environmental protection requirement. The enterprises shall apply for completed project environmental examination and shall not start producing before the environmental examination.

Section 2 The enterprises shall perform the environmental protection obligation in accordance with the relevant environmental protection administration regulations and laws, and shall be equipped with qualified environmental assurance system:

1. The stockyard shall be equipped with radiographic testing devices.
2. The surface shall be hardening processed.
3. The crush processing line shall be equipped with dust-cleaning apparatus.
4. The pollution emission of the scrap steel processing or distribution enterprises

shall meet the standard and requirement of "integrated wastewater disposal standard" and "integrated air pollutant emission standard".

5. The noise emission of the scrap steel processing or distribution enterprises shall meet the standard and requirement of the "noise emission standard in the factory of industrial enterprises".

6. The poisonous and harmful, inflammable and explosive substances shall be delivered and disposed to qualified enterprises in accordance with relevant national requirements.

7. The enterprises shall be equipped with professional environmental protection management staff and system.

Section 3 The scrap steel processing or distribution enterprises shall be equipped with qualified wastewater collecting and recycling system, waste-oil collecting and storage devices, environmental emergency disposing devices and pre-arrangement program and fire installations.

Chapter VI Personnel Training

The scrap steel processing or distribution enterprises shall formulate adequate producing operation codes and working procedure, definite working responsibility and authority, and ensure the key operation staff well-trained and qualified.

Chapter VII Work Safety, Occupational Health and Social Responsibility

Section 1 The scrap steel processing or distribution enterprises shall comply with the state "the work safety law", "the occupational disease prevention law" and other relevant laws and regulations, and meet the relevant work safety, work protection and occupational disease prevention standard. The enterprises shall dispose the dust, noise and other pollution in the working field efficiently and be equipped with necessary device and administration staff.

Section 2 The work safety and occupational disease prevention facilities of the newly-constructed, rebuilt or expanded scrap steel processing or distribution enterprises shall be designed, constructed and put into use simultaneously with the main project; all these work safety facilities shall be examined by relevant work safety administrations before its design, construction and use.

Section 3 The working environment of the scrap steel processing or distribution enterprises shall meet the requirement of "Health Standard for the Design of Industrial Enterprises" and "Industrial sites and harmful factors of occupational exposure limit".

Section 4 The scrap steel processing or distribution enterprises shall establish adequate work safety organization and management system, work safety training system and work safety examination system.

Section 5 The labor system of the scrap steel processing or distribution enterprises shall comply with "Labor Contract Law".

Chapter VIII Supervision and Administration

Section 1 The newly-constructed, rebuilt or expanded scrap steel project shall meet the admittance conditions. The relevant administrations shall perform the investment administration, land supply, credit financing, safety approval, producing approval e.t. on the basis of the admittance conditions.

Section 2 All industry and information technology administrations, jointly with environmental protection administrations perform the supervision and administration on scrap steel processing or distribution enterprises. Industry associations facilitate the relevant state administrations to supervise and administrate. Industry associations will guide the scrap steel processing or distribution enterprises on operation, management, technology.

Section 3 All industry and information technology administrations shall strengthen the administration on scrap steel processing or distribution industry and urge the enterprises to accelerate the technology promotion, regulate the management and reach the admittance conditions.

Section 4 The industry and information technology administrations shall be responsible for publish the list of qualified enterprises after inquiring the environmental protection administrations and establish the social supervision and dynamic administration.

Section 5 Fully promoting the role of social media supervision and encouraging the public supervision to accelerate the reducing of outdated producing capacity and advancing the industry upgrading.

Chapter IX Supplementary Provisions

Section 1 This admittance conditions shall apply to all kind of scrap steel processing or distribution enterprises on the territory of the People's Republic of China (excluding Hong Kong, Macao, Taiwan).

Section 2 Where there are otherwise revised provisions in any law, regulation, national and industrial standards regarding the admittance conditions, such provisions shall prevail.

Section 3 These admittance conditions shall go into effect as of the date of promulgation. The right to interpret and revise these admittance conditions in accordance with the industry development conditions and macro-economic control requirements resides in the Ministry of Industry and Information Technology.

Standard Conditions of Production and Operation of the Iron and Steel Industry

(2012 Amendment- Publication version)

Publicizing version

I. General Provisions

1. These standard conditions are formulated in accordance with the Several Opinions of the General Office of the State Council for Further Increasing the Energy-saving Emission Reduction Efforts and Accelerating the restructuring of Steel Industry (Guobanfa [2010] No.34) , the 12th Five-year Plan for Steel Industry and the relevant laws and regulations for strengthening the administration for steel industry and regulating the production and operation order for the existing steel enterprises.
2. These standard conditions are applicable for all the existing steel combined and smelting enterprises within the territory of the P.R.C (Except for Hong Kong, Macau and Taiwan).
3. This Standard Conditions are the basic conditions for production and operation of existing iron and steel industry, and it is the standards which are in line with current development level of the steel enterprises. And it will constantly enhance in accordance with the overall level of the steel industry in China.

II. Standard Conditions

A. Product Quality

1. Iron and steel enterprise shall have complete quality management system and maintain a sound record for the quality credit of products, and there has been no serious quality program within the past two years.
2. The product quality of steel enterprises shall be in accordance with the relevant State and Industry Standard, the production of the Grade I twisted rebar , the Grade II twisted rebar and the hot-rolled silicon sheet which prescribed in the Guiding Catalogue for Some Industries to Eliminate Backward Production Processes and Equipment and Products (2010 version) shall be prohibited.

B. Environment Protection

1. The enterprise shall have a sound management system for environmental protection, have a complete supporting monitor and curb equipment for pollutant emission, and install auto-monitoring system in accordance with relevant rules and create a network with the local environment protection department; and there has been no serious environment-pollution event or serious ecological-destruction event within the past two years.
2. The steel enterprise shall have permission for pollution discharge. The emission for water pollutant and atmospheric pollution shall in accordance with the state standards and the local standards, for example, the Emission Standard for Water Pollutant of Steel Industry (GB13456).
3. The tobacco dust emission of steel industry shall not exceed 1.19kt. The total emission shall not exceed the gross control indicators approved by the environment authority.

C. Energy Consumption and Comprehensive Utilization of Resources

1. Iron and steel enterprise must have sound energy management system and be equipped with energy measuring instruments. The enterprises, able to establish energy management center, shall establish it.
2. Iron and steel enterprise's energy consumption indicators for main production processes must conform to "Energy Consumption Limit for Unit Product in Crude Steel Production Main Process" (GB21256) and "Energy Consumption limit for Unit Product of Coke" (GB21342).
3. The steel enterprise shall pay attention to the comprehensive utilization for resources, enhance the cyclic utilization rate for various resources. The total consumption of new water for production of 1 ton steel shall be no more than 4.1 m³, and the comprehensive utilization rate of solid waste shall be no less than 94%.

D. Workmanship and Equipment

1. Valid volume of blast furnace shall be more than 400m³, normal capacity of converter shall be more than 30 T, normal capacity of electric furnace shall be more than 30 T, the area for Sintering machine shall be more than 90 m², the height of Coke oven chamber shall be more than 4.3m, and all of the above mentioned items shall not included in the eliminated workmanships and equipments stipulated in Guiding Catalogue for Some Industries to Eliminate Backward Production Processes and Equipment and Products (2010 version).
2. The main process of steel enterprises shall be supported by the equipment for energy conservation and emission reduction...
3. Iron and steel enterprises shall eliminate backward production facilities within the stipulated time-limit in accordance with "Guiding Catalogue for Some Industries to Eliminate Backward Production Processes and Equipment and Products and the requirements stipulated in other laws and regulations. The enterprises that have tasks of elimination of backwards production capacity must complete the tasks of annual elimination of backwards production capacity as proposed by the State.

E. Production Scale

Crude steel production of common steel enterprises: 1,000,000 ton or more, crude steel production of special steel enterprises: 300,000 ton or more, and the proportion of alloy steel shall be more than 60% (Specialization enterprise, such as tool and mould steel and high-speed steel of 100% percent alloy steel shall not be included.).

F. Safety, Sanitation and Social Responsibility

1. Iron and steel enterprises shall be supported by complete management system for safety and occupational health, equipped with oxygen and other gas equipments; for the entities engage in gas production (gas recovery excluded) and the production of other dangerous chemicals must obtain Safety Production License for Manufacture of Dangerous Chemicals; and there is no serious safety accident within past two years.
2. Iron and steel enterprises shall not delay the payment of tax and duties, and wages of workers, and shall pay all kinds of society insurance premiums in accordance with relevant provisions of the state.

III. Management Measures

A. The application, approval and announcement for steel enterprises which conform to the standard conditions for production and operation.

1. Ministry of Industry and Information Technology is responsible for accepting the application for steel enterprises which conform to the standard conditions for production and operation. Applicant enterprises shall produce Application Report of Standard Conditions for Production and Operation and provide relevant materials as required in the appendix. The local enterprises shall apply through the local industry competent authorities. The central enterprises shall apply to MIIT directly and forward the applications to the industrial administration departments of provincial level.
2. The industry competent authorities of all the provinces, autonomous regions, municipalities directly under the central government and cities under separate state planning shall be responsible for accepting the applications made by the steel enterprises in its region and responsible for the preliminary review. The central enterprises shall conduct the self-review. In the preliminary review and self-review, they shall inspect and verify the relevant actual situations of the enterprises in accordance with the requirements of the standard conditions, give the opinions of preliminary review and self-review, and report their opinions to MIIT together with the application materials of the applicant enterprises.
3. The MIIT shall be responsible for the inspection and verification for the applicants. The names of the qualified applicants that meet the standard conditions shall be publicized by the MIIT, which then make the public announcement if there is no objection.

B. MIIT shall dynamically administrate the list of announced enterprises. And all the industry competent authorities at various levels shall supervise and examine the implementation of the standard conditions by the enterprises in their own regions. MIIT conducts random examinations for the announced enterprises. The public supervision regarding the implementation of the standard conditions by the announced enterprises is encouraged. The qualification for announcement shall be revoke under any of the following circumstances:

1. Provide false materials in the application
2. Refuse the supervision and inspection;
3. Unable to maintain the standard conditions;
4. Fail to eliminate backwards production capacity as required;
5. There is a serious liability event, which results in serious social effects.

C. The enterprise which has been completed the material joint restructure and the enterprise which has been implemented the elimination of backward well shall be given a priority for bringing into the standard management. The enterprise that does not have the standard conditions shall actively make corrections and reform in accordance with the requirements of standard conditions. Those that still fail to meet the requirements after corrections and reform shall gradually withdraw from the iron and steel market.

D. The list of enterprises which conform to standard conditions for production and operation by the announcement shall be the basis for policy support. Those not incorporated into the announcement list shall not be supported by relevant policies.

IV. Supplementary Provisions

1. If the policies, regulations or standards concerned in these Standard Conditions are revised, the revised version will prevail.
2. The MIIT shall be responsible for the explanation for the Standard Conditions and make any timely revision in accordance with the development situation for the industry.
3. This Standard Conditions will come into force as of the date of promulgation. The Standard Conditions for Production and Operation of Steel Industry issued by MIIT in June 21th of 2010 shall be abolished at the same time.

附件：

钢铁行业生产经营规范条件（2012年修订-公示版）

一、总则

（一）为进一步加强钢铁行业管理，规范现有钢铁企业生产经营秩序，根据《国务院办公厅关于进一步加大对节能减排力度加快钢铁工业结构调整的若干意见》（国办发[2010]34号）、《钢铁工业“十二五”发展规划》及相关法律法规，制定本规范条件。

（二）本规范条件适用于中华人民共和国境内（港澳台地区除外）的现有钢铁联合、冶炼企业。

（三）本规范条件是现有钢铁行业生产经营的基本条件，是适应钢铁企业目前发展水平的标准，随着我国钢铁工业总体水平的提升将不断提高。

二、规范条件

（一）产品质量

1.钢铁企业须具备完备的产品质量管理体系，保持良好的产品质量信用记录，近两年内未发生重大产品质量问题。

2.钢铁企业产品质量须符合国家和行业有关标准，严禁生产Ⅰ级螺纹钢、Ⅱ级螺纹钢（2013年后）、热轧硅钢片等《部分工业行业淘汰落后生产工艺装备和产品指导目录（2010年本）》（工产业[2010]第122号）中需淘汰的钢材产品。

（二）环境保护

1.企业须具备健全的环境保护管理体系，配套完备的污染物排放监测和治理设施，按照规定安装自动监控系统并与当地环保部门联网，近两年内未发生重大环境污染事故或重大生态破坏事件。

2.钢铁企业排污须持有排污许可证，达标排放，其中水和大气

污染物排放须符合《钢铁工业水污染物排放标准》(GB13456)、《钢铁工业大气污染物排放标准》等国家和地方标准。

3.钢铁企业吨钢烟(粉) 尘排放量不超过1.19千克, 吨钢二氧化硫排放量不超过1.63千克。企业污染物排放总量不超过环保部门核定的总量控制指标。有单项污染物减排任务的企业, 须落实减排措施, 满足减排指标要求。

(三) 能源消耗和资源综合利用

1.钢铁企业须具备健全的能源管理体系, 配备必要的能源(水) 计量器具。有条件的企业应建立能源管理中心。

2.钢铁企业主要生产工序能源消耗指标须符合《粗钢生产主要工序单位产品能源消耗限额》(GB21256) 和《焦炭单位产品能源消耗限额》(GB21342) 等国家和地方标准, 其中焦化工序不超过155千克标煤、烧结工序不超过56千克标煤、高炉工序不超过446千克标煤、转炉工序实现负能炼钢、普钢电炉工序不超过92千克标煤、特钢电炉工序不超过171千克标煤。

3.钢铁企业须注重资源综合利用, 提高各种资源的循环利用率。吨钢新水消耗不超过4.1立方米, 固体废弃物综合利用率不低于94%。

(四) 工艺与装备

1.高炉有效容积400立方米以上, 转炉公称容量30吨以上, 电炉公称容量30吨以上(变压器容量15000千伏安以上), 高合金钢电炉公称容量10吨以上(变压器容量5000千伏安以上), 球团竖炉8平方米以上, 烧结机有效烧结面积90平方米以上, 常规机焦炉炭化室高度4.3米(捣固焦炉3.8米) 及以上, 以及不属于《部分工业行业淘汰落后生产工艺装备和产品指导目录(2010年本) 》中需淘汰的落后工艺装备。

2.钢铁企业主体工序须配备节能减排设备 ,其中高炉应配套煤粉喷吹和余压发电装置 ,高炉、转炉应配套煤气回收装置。焦炉应配套除尘、脱硫、污水生化处理、煤气回收利用 (不得放散) 以及干熄焦装置。烧结机应配套烟气余热回收及脱硫装置。

3.钢铁企业须按照适时修订的《部分工业行业淘汰落后生产工艺装备和产品指导目录》以及其他法律法规的要求 ,在规定的时限内淘汰落后的工艺装备。有淘汰落后产能任务的企业 ,须完成国家下达的年度淘汰落后产能目标任务。

(五) 生产规模

2010年普钢企业粗钢年产量100万吨及以上 ,特钢企业30万吨及以上 ,且合金钢比大于60% (不含合金钢比100%的高速钢、工模具钢等专业化企业) 。

(六) 安全、卫生和社会责任

1.钢铁企业须具备健全的安全生产和职业卫生管理体系 ,焦化、氧气及相关气体制备、煤气生产 (不包括回收) 等危险化学产品生产单位须取得危险化学生产企业安全生产许可证 ,近两年内未发生重大安全责任事故。

2.钢铁企业须依法依规缴纳税收 ,不得拖欠职工工资 ,并须按国家有关规定交纳各项社会保险费。

三、管理办法

(一) 钢铁企业符合生产经营规范条件的申请、审核及公告 :

1.工业和信息化部定期受理钢铁企业符合生产经营规范条件的申请。申请符合生产经营规范条件的企业须编制《钢铁行业生产经营规范申请报告》并按附件要求提供相关材料。地方企业通过本地区工业主管部门向工业和信息化部申请 ,中央企业直接向工业和信息化部申请 ,并抄送省级工业主管部门。

2.各省、自治区、直辖市、计划单列市工业主管部门负责接收本地区钢铁企业符合生产经营规范条件申请和初审，中央企业自审。初审或自审须按规范条件要求对企业的相关情况进行核实，提出初审或自审意见，附企业申请材料报送工业和信息化部。

3.工业和信息化部对申请企业进行核查，符合规范条件的进行公示，无异议后予以公告。

（二）工业和信息化部对公告企业名单进行动态管理。地方各级工业主管部门每年要对本地区企业执行规范条件的情况进行监督检查。工业和信息化部对公告企业进行抽查。鼓励社会各界对公告企业生产经营规范情况进行监督。公告企业有下列情况的将撤销其公告资格：

- 1.填报相关资料有弄虚作假行为的；
- 2.拒绝接受监督检查的；
- 3.不能保持规范条件的；
- 4.未按要求淘汰落后产能的；
- 5.发生重大责任事故、造成严重社会影响的。

（三）对已完成实质性联合重组和淘汰落后完成较好的企业，优先纳入规范管理。不具备规范条件的企业应按照规范条件要求积极进行整改，整改期后仍达不到要求的企业应逐步退出钢铁生产行业。

（四）公告符合生产经营规范的企业名单，作为相关政策支持的基础性依据。对未列入公告名单的企业，不予相关政策支持。

四、附则

（一）本规范条件所涉及的政策、法规和标准若进行修订，则按修订后内容执行。

（二）本规范条件由工业和信息化部负责解释，并根据行业

发展情况适时进行修订。

(三) 本规范条件自发布之日起实施。2010年6月21日工业和信息化部发布的《钢铁行业生产经营规范条件》同时废止。

Table of Export Quotas (Only General Trade)			
Product	Code	2011 (Ten Thousand Ton)	2012 (Ten Thousand Ton)
coke	27040010	841.9249	847.9249
Table of Export Quotas(General Trade and Border Trade included)			
Product	Code	2011 (Ten Thousand Ton)	2012 (Ten Thousand Ton)
coke	27040010	841.9249	900

Foreign Trade Law of the People's Republic of China

(Adopted at the 7th Meeting of the Standing Committee of the Eighth National People's Congress on May 12, 1994, revised and adopted at the 8th Meeting of the Standing Committee of the Tenth National People's Congress on April 6, 2004, and promulgated by Order No.15 of the President of the People's Republic of China on April 6, 2004, and effective as of July 1, 2004.)

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Chapter I General Provisions

Article 1 This Law is enacted with a view to opening wider to the outside world, developing foreign trade, maintaining foreign trade order, protecting the legitimate rights and interests of foreign trade dealers and promoting the sound development of the socialist market economy.

Article 2 This Law is applicable to foreign trade and the protection of foreign-trade-related intellectual property rights.

For purposes of this Law, foreign trade refers to the import and export of goods and technologies, and international service trade.

Article 3 The department for foreign trade under the State Council is in charge of foreign trade administration throughout the country pursuant to this Law.

Article 4 The State applies a unified system of foreign trade, encourages the development of foreign trade and preserves a fair and free foreign trade order.

Article 5 The People's Republic of China, on the principle of equality and mutual

benefit, promotes and develops trade relations with other countries and regions, concludes or accedes to such regional economic and trade agreements as tariff alliances agreement and free trade zone agreement, and joins regional economic organizations.

Article 6 In the field of foreign trade, the People's Republic of China, in accordance with the international treaties and agreements it has signed or acceded to, grants the other signatories or acceding parties most-favored-nation treatment or national treatment, or on the principle of mutual benefit and reciprocity, grants the other party most-favored-nation treatment or national treatment, etc.

Article 7 In the event that any country or region adopts prohibitive, restrictive or other similar measures that are discriminatory in nature against the People's Republic of China in trade, the People's Republic of China may, in light of the actual conditions, take countermeasures against the country or region accordingly.

Chapter II Foreign Trade Dealers

Article 8 For purposes of this Law, foreign trade dealers refer to the legal persons, other organizations or individuals that have gone through industrial and commercial registration or other formalities for business operation in accordance with law and are engaged in foreign trade activities in compliance with the provisions of this Law and relevant laws and administrative regulations.

Article 9 A foreign trade dealer who intends to engage in the import and export of goods or technologies shall register for archival purposes with the department for foreign trade under the State Council or the institution entrusted thereby, unless otherwise prescribed by laws, administrative regulations or by the said department. The specific measures for registration shall be formulated by the department.

Where a foreign trade dealer fails to register as required by regulations, the Customs shall not process the procedures of declaration, inspection and release for the import or export of goods.

Article 10 Anyone who is engaged in international trade in services shall observe the provisions of this Law, and of the relevant laws and administrative regulations.

The entities engaged in contracted construction of foreign projects or service cooperation with other countries shall have the necessary eligibility or qualification. The specific measures in this regard shall be formulated by the State Council.

Article 11 The State may put the import and export of certain goods under the administration of state-operated trading. Such goods shall only be imported and exported by the authorized enterprises, except the import and export of certain quantities of the goods under state-operated trading which the State permits to be operated by unauthorized enterprises.

The catalogues of the goods subject to the state-operated trading and the authorized enterprises shall be determined, adjusted and published by the department for foreign

trade under the State Council in conjunction with the relevant department under the State Council.

Where, in violation of the provisions in the first paragraph of this Article, the goods subject to state-operated trading are imported or exported without authorization, the Customs shall not grant to them clearance.

Article 12 A foreign trade dealer may accept the entrustment by another person to engage in foreign trade as an agent within the scope of its business operations.

Article 13 A foreign trade dealer shall, in accordance with the regulations laid down according to law by the department for foreign trade under the State Council or any other relevant department under the State Council, submit to relevant departments the documents and information related to its foreign trade activities. The latter shall keep the business secrets for the former.

Chapter III Import and Export of Goods and Technologies

Article 14 The State permits free import and export of goods and technologies, except where otherwise is provided for in laws and administrative regulations.

Article 15 The department for foreign trade under the State Council may, based on the need to monitor imports and exports, implement an automatic import and export licensing system for certain goods subject to free import and export and shall publish the catalogue thereof.

For the goods subject to automatic license of import and export, where the consignee or consigner, before going through the Customs declaration formalities, submits an application for automatic licensing, the department for foreign trade under the State Council or the institutions entrusted thereby shall grant permission. The Customs shall not grant clearance to the goods for which the formalities for automatic licensing are not gone through.

In the case of importing or exporting technologies subject to free import and export, the contracts thereof shall be registered for archival purposes with the department for foreign trade under the State Council or the institution entrusted thereby.

Article 16 For the following reasons, the State may restrict or prohibit the import or export of relevant goods and technologies:

- (1) for safeguarding State security, and public interests and ethics, it is necessary to restrict or prohibit their import and export;
- (2) for protecting human health or safety, the lives or health of animals and plants, or the environment, it is necessary to restrict or prohibit their import or export;
- (3) for implementing the measures related to the import and export of gold and silver, it is necessary to restrict or prohibit their import or export;
- (4) because of short supply on domestic market or for effective conservation of exhaustible natural resources, it is necessary to restrict or prohibit their export;

(5) because of the limited market capacity of the importing country or region, it is necessary to restrict their export;

(6) because of serious chaos in export order, it is necessary to restrict their export;

(7) for establishing or speeding up the establishment of a particular domestic industry, it is necessary to restrict their import;

(8) it is necessary to restrict the import of agricultural, animal husbandry and fishery products of any form;

(9) for maintaining the State's international financial position and the balance of international receipts and payments, it is necessary to restrict their import;

(10) other goods the import or export of which needs to be restricted or prohibited, as required by laws and administrative regulations; or

(11) other goods the import or export of which needs to be restricted or prohibited in accordance with the provisions of international treaties or agreements signed or acceded to by the People's Republic of China.

Article 17 With regard to the import and export of goods and technologies related to fissile and fusion material or the substances from which such material is derived, and the imports and exports related to arms, ammunition or other military supplies, the State may adopt any necessary measures to safeguard State security.

In wartime or for the purpose of preserving international peace and security, the State may adopt any necessary measures in respect of the import and export of goods and technologies.

Article 18 The department for foreign trade under the State Council shall, in conjunction with other departments under the State Council and in accordance with the provisions in Articles 16 and 17 of this Law, formulate, adjust and publish the catalogue of goods and technologies that are restricted or prohibited for import or export.

With the approval of the State Council, the department for foreign trade under the State Council or the said department in conjunction with other relevant departments under the State Council may, within the scope specified by the provisions in Article 16 and 17 of this Law, decide on temporary restriction or prohibition on the import or export of specific goods and technologies other than the ones listed in the catalogue mentioned in the preceding paragraph.

Article 19 The State adopts the system of quota, license, etc, to the goods subject to import or export restrictions, while adopts the system of license to the technologies restricted from the import or export.

The goods and technologies subject to quotas or licensing may only be imported or exported upon permission by the department for foreign trade under the State Council, or upon permission jointly by the department and the relevant departments under the

State Council, as required by the regulations of the State Council.

The State may exercise tariff quota administration to some of the imported goods.

Article 20 Quotas for imported and exported goods and tariff quotas shall be distributed by the department for foreign trade under the State Council or the relevant departments under the State Council within the limits of their respective responsibilities, on the principles of openness, fairness, impartiality and efficiency. The specific measures in this regard shall be formulated by the State Council.

Article 21 The State implements a unified commodity assessment system and, in accordance with the provisions of relevant laws and administrative regulations, carries out certification, inspection and quarantine in respect of imported and exported commodities.

Article 22 The State applies rules of origin to the imported and exported goods. The specific measures in this regard shall be formulated by the State Council.

Article 23 Where the import or export of cultural relics, wild animals and plants and products thereof are prohibited or restricted by the provisions of other laws or administrative regulations, the provisions of those laws and administrative regulations shall prevail.

Chapter IV International Trade in Services

Article 24 In respect of international trade in services, the People's Republic of China shall, in accordance with its commitments made in the international treaties or agreements it has signed or acceded to, grant the other signatories and acceding parties market access and national treatment.

Article 25 The department for foreign trade under the State Council and the relevant departments under the State Council shall, pursuant to the provisions of this Law and the relevant laws and administrative regulations, regulate international trade in services.

Article 26 For any of the following reasons, the State may restrict or prohibit the relevant international trade in services:

- (1) restrictions or prohibitions are needed for safeguarding State security and public interests and ethics;
- (2) restrictions or prohibitions are needed for protecting human health or safety, the lives or health of animals and plants, or the environment;
- (3) restrictions are needed for establishing or speeding up the establishment of a particular domestic service industry;
- (4) restrictions are needed for maintaining the balance of receipts and payments of the State in foreign exchanges;
- (5) restrictions or prohibitions are needed for other reasons, as laws and

administrative regulations so provide; or

(6) restrictions or prohibitions are needed for other reasons, as required by the provisions of the international treaties or agreements which China has signed or acceded to.

Article 27 With regard to military-related international trade in services, and international trade in services related to fissile and fusion material or the substances from which such material is derived, the State may adopt any necessary measure to safeguard State security.

In wartime or for the purpose of preserving international peace and security, the State may adopt any necessary measure in respect of international trade in services.

Article 28 The department for foreign trade under the State Council shall, in conjunction with the relevant departments under the State Council and in accordance with the provisions in Articles 26 and 27 of this Law and relevant laws and administrative regulations, formulate, adjust and publish the market access catalogue of international trade in services.

Chapter V Protection of Trade-Related Aspects of Intellectual Property Rights

Article 29 The State protects trade-related intellectual property rights in accordance with the laws and administrative regulations concerning intellectual property rights.

Where any imported goods infringe upon intellectual property rights and impair foreign trade order, the department for foreign trade under the State Council may take such measures as prohibiting, for a specified period of time, the import of the relevant goods produced or sold by the infringer.

Article 30 Where the owner of an intellectual property right commits any of the acts of preventing licensee from challenging validity of an intellectual property right in the licensing contract, or imposing mandatory package licensing on licensee or incorporating exclusive grant-back conditions in a licensing contract, and thereby undermines the order of fair competition in foreign trade, the department for foreign trade under the State Council may take any necessary measures to eliminate the harm done.

Article 31 If any country or region fails to grant the legal persons, other organizations or individuals from the People's Republic of China national treatment in respect of protection of intellectual property rights, or cannot adequately and effectively protect the intellectual property rights in respect of the goods, technologies or services from the People's Republic of China, the department for foreign trade under the State Council may, in accordance with the provisions of this Law and the relevant laws and administrative regulations, and the international treaties or agreements which the People's Republic of China has signed or acceded to, take any necessary measures against the trade with the said country or region.

Chapter VI Foreign Trade Order

Article 32 In foreign trade activities, monopolistic behavior in violation of the provisions of the laws and administrative regulations against monopoly is not allowed.

In foreign trade activities, any monopolistic behavior that jeopardizes fair market competition shall be dealt with in accordance with the provisions of the laws and administrative regulations against monopoly.

For any of the illegal acts as described in the preceding paragraph that undermine the foreign trade order at the same time, the department for foreign trade under the State Council may take any necessary measures to eliminate the harm done.

Article 33 In foreign trade activities, no one may engage in unfair competition, such as selling commodities at unreasonably low prices, colluding with another person in a tender, publishing false advertisements and practicing commercial bribery.

Any unfair competition in foreign trade activities shall be dealt with in accordance with the provisions of laws and administrative regulations against unfair competition.

For any of the illegal acts as described in the preceding paragraph that undermine the foreign trade order at the same time, the department for foreign trade under the State Council may take any measures such as prohibiting the dealer from importing and exporting relevant goods and technologies to eliminate the harm done.

Article 34 In foreign trade activities, none of the following acts may be committed:

- (1) forging or falsifying marks of origin of imported or exported goods; forging, falsifying or dealing in origin certificates of imported or exported goods, import or export licenses, certificates of import or export quotas, or any other import or export certificates;
- (2) obtaining export tax refund by fraudulent means;
- (3) smuggling;
- (4) evading certification, inspection or quarantine which is required by laws and administrative regulations; or
- (5) other acts in violation of the provisions of laws and administrative regulations.

Article 35 In foreign trade activities, foreign trade dealers shall act in compliance with the regulations of the State governing foreign exchange control.

Article 36 The department for foreign trade under the State Council may make announcement to the public about any violation of this Law which undermine foreign trade order.

Chapter VII Foreign Trade Investigation

Article 37 To maintain foreign trade order, the department for foreign trade under the State Council may, on its own or jointly with the relevant departments under the State Council, investigate the following matters in accordance with the provisions of laws and administrative regulations:

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- (1) the impact on domestic industries and their competitiveness exerted by the imported and exported goods, imported or exported technologies, and international trade in services;
 - (2) trade barriers erected by relevant countries or regions;
 - (3) matters needing to be investigated in order to determine whether such foreign trade remedies as anti-dumping, countervailing duties and safeguards should be taken in accordance with law;
 - (4) acts circumventing foreign trade remedies;
 - (5) matters concerning State security interests in foreign trade;
 - (6) matters needing to be investigated in order to enforce the provisions in Article 7, the second paragraph of Article 29, Articles 30 and 31, the third paragraph of Article 32 and of Article 33 of this law; and
 - (7) any other matter that need to be investigated into as a result of affecting the foreign trade order.

Article 38 The initiation of a foreign trade investigation shall be announced by the department for foreign trade under the State Council.

The investigation may be conducted in the form of written questionnaire, hearing, on-the-spot investigation, entrusted investigation, etc.

The department for foreign trade under the State Council shall, based on the findings, submit an investigation report or make a ruling, and make an announcement thereof to the public.

Article 39 The entities and individuals concerned shall cooperate and assist in foreign trade investigation.

The department for foreign trade under the State Council and the relevant departments under the State Council and their staff members shall have the obligation to keep confidential the State secrets and business secrets that they have access to in the course of foreign trade investigation.

Chapter VIII Foreign Trade Remedies

Article 40 The State may, based on the findings of foreign trade investigation, take appropriate measures of foreign trade remedies.

Article 41 Where a product from another country or region is dumped into the domestic market at a price lower than its normal value, thus causing or threatening to cause material injury to an established domestic industry, or materially retarding the establishment of a domestic industry, the State may take anti-dumping measures to eliminate or mitigate such injury, threat of injury, or retardation.

Article 42 Where a product from another country or region is exported to the market of a third country at a price lower than its normal value, thus causing or threatening to

cause material injury to an established domestic industry, or substantially retarding the establishment of a domestic industry, the department for foreign trade under the State Council may, in response to the application submitted by the domestic industry, conduct consultations with the government of that third country and request it to take appropriate measures.

Article 43 Where an imported product to which specific subsidies of any form are directly or indirectly granted by the exporting country or region causes or threatens to cause material injury to an established domestic industry, or materially retarding the establishment of a domestic industry, the State may take countervailing measures to eliminate or mitigate such injury or threat of injury, or retardation.

Article 44 Where the substantial increase in the quantities of an imported product causes or threatens to cause serious injury to a domestic producer of like product or a manufacturer of a product directly competitive to the imported one, the State may take the necessary safeguard measures to eliminate or mitigate such injury or threat of injury and, at the same time, provide the industry concerned with the necessary support.

Article 45 Where the increase in the services provided to China by the service supplier of another country or region causes or threatens to cause injury to the domestic industry that provides like or directly competitive services, the State may take the necessary remedies measures to eliminate or mitigate such injury or threat of injury.

Article 46 Where the substantial increase in the quantities of a certain product imported into the domestic market, as a result of the restrictions imposed by a third country on its import, causes or threatens to cause injury to an established domestic industry, or retards the establishment of a domestic industry, the State may take the necessary remedies measures to restrict the import of the said product.

Article 47 Where a country or region that has signed or jointly acceded to the economic and trade treaties or agreements with the People's Republic of China violates the provisions of such treaties and agreements and thus causes losses or damage to the interests the People's Republic of China is entitled to under these treaties and agreements, or impedes the achievement of the objectives set in the treaties and agreements, the government of the People's Republic of China has the right to request the government of the country or region concerned to take appropriate remedies measures and may suspend or terminate its performance of relevant obligations in compliance with the relevant treaties and agreements.

Article 48 The department for foreign trade under the State Council shall, in accordance with the provisions of this Law and relevant laws, carry out bilateral or multilateral foreign trade consultations and negotiations and settle disputes.

Article 49 The department for foreign trade under the State Council and the relevant departments under the State Council shall establish precaution and emergency mechanism for the import and export of goods and of technologies and for the

international trade in services to cope with unexpected and unusual situations in foreign trade and safeguard the economic security of the State.

Article 50 The State may take the necessary anti-circumvention measures against the activities that circumvent the foreign trade remedies measures prescribed in this Law.

Chapter IX Promotion of Foreign Trade

Article 51 The State formulates strategies for the development of foreign trade, and establishes and improves the mechanism for promoting foreign trade.

Article 52 The State, in light of the need for the development of foreign trade, establishes and improves financial institutions in the service of foreign trade and establishes development fund and risk fund for foreign trade.

Article 53 The State develops foreign trade by means of import and export credit, export credit insurance, export tax refund and other means designed to promote foreign trade.

Article 54 The State establishes a system of public information service for foreign trade, providing foreign trade dealers and the public with information services.

Article 55 The State takes measures to encourage foreign trade dealers to exploit international market, and extend foreign trade by a variety of means such as outward investment, contract for foreign construction projects and overseas labor service cooperation.

Article 56 Foreign trade dealers may establish or join relevant associations or chambers of commerce in accordance with law.

The relevant associations and chambers of commerce shall observe laws and administrative regulations; in compliance with their articles of association, provide their members with foreign-trade-related services in production, marketing, information, training, etc.; play the role of coordination and self-discipline; submit applications for foreign trade remedies measures according to law; safeguard the interests of their members and the industry; report to relevant government departments suggestions made by their members regarding foreign trade; and carry out activities for promotion of foreign trade.

Article 57 The organization for the promotion of international trade in China shall, in accordance with its articles of association, develop external relations, hold exhibitions, provide information and advisory services and carry out other activities to promote foreign trade.

Article 58 The State supports and facilitates small and medium-sized enterprises to develop foreign trade.

Article 59 The State supports and promotes the development of foreign trade in ethnic autonomous regions and economically under-developed areas.

Chapter X Legal Responsibility

Article 60 The department for foreign trade under the State Council or the relevant department under the State Council may impose a fine of not more than CNY 50,000 on enterprise that, in violation of the provisions in Article 11 of this Law and without authorization, imports or exports the goods subject to state-operated trading; and if the circumstances are serious, it may, within three years from the date the administrative penalty decision takes effect, refuse to accept the application submitted by the offender for engaging in the business of import and export of the goods subject to state-operated trading , or may withdraw the authorization granted to the offender for the import and export of other goods subject to state-operated trading.

Article 61 Any dealer who imports or exports the goods the import and export of which are prohibited or, without authorization, imports or exports the goods of which import and export are restricted shall be dealt with and penalized by the Customs in accordance with the provisions of relevant laws and administrative regulations; and if its act constitutes a crime, it shall be investigated for criminal responsibility according to law.

Any dealer who imports or exports the technologies the import and export of which are prohibited or, without authorization, imports or exports the technologies the import and export of which are restricted shall be dealt with and penalized in accordance with the provisions of relevant laws and regulations. Where there are no provisions in laws or administrative regulations to go by, the department for foreign trade under the State Council shall order it to rectify, confiscate its unlawful gains and, in addition, impose a fine of not less than the amount of the unlawful gains but not more than five times that amount. If there are no unlawful gains or such gains are less than CNY 10,000, a fine of not less than CNY 10,000 but not more than CNY 50,000 shall be imposed. If its act constitutes a crime, it shall be investigated for criminal responsibility according to law.

Within three years from the date the administrative penalty decision or the criminal penalty judgment takes effect, as specified in the preceding two paragraphs, the department for foreign trade under the State Council or the relevant department under the State Council may refuse to accept the application submitted by the offender for import or export quotas or license, or prohibit the offender from engaging in the import or export of relevant goods and technologies for a period of not less than one year but not more than three years.

Article 62 Any dealer that engages in the international trade in services subject to prohibition or, without authorization, engages in the international trade in services subject to restriction shall be penalized in accordance with the provisions of relevant laws and administrative regulations. Where it is not provided for in any law or administrative regulation, the department for foreign trade under the State Council shall order it to rectify, confiscate its unlawful gains and, in addition, impose a fine of not less than the amount of the unlawful gains but not more than five times that amount. If there are no unlawful gains or such gains are less than CNY 10,000, a fine of not less than CNY 10,000 but not more than CNY 50,000 shall be imposed. If its

act constitutes a crime, it shall be investigated for criminal responsibility according to law.

The department for foreign trade under the State Council may prohibit the offender from engaging in the relevant international trade in services for a period of not less than one year but not more than three years from the date the administrative penalty decision or the criminal penalty judgment takes effect as specified in the preceding paragraph.

Article 63 Any dealer that violates the provisions in Article 34 of this Law shall be penalized in accordance with the provisions of relevant laws and administrative regulations. If its act constitutes a crime, it shall be investigated for criminal responsibility according to law.

The department for foreign trade under the State Council may prohibit the offender from engaging in the relevant foreign trade activities for a period of not less than one year but not more than three years from the date the administrative penalty decision or the criminal penalty judgment takes effect as specified in the preceding paragraph.

Article 64 During the period of time in which a foreign trade dealer is prohibited, in accordance with the provisions in Articles 61, 62 and 63 of this Law, from engaging in the relevant foreign trade activities, the Customs shall, in accordance with the prohibition decision made by the department for foreign trade under the State Council according to law, refuse to process the procedures of declaration, inspection and release for the relevant goods imported or exported by the said dealer, and the foreign exchange administration department or the designated foreign exchange bank shall not handle the exchange settlement or sale for it.

Article 65 Where a staff member of the department responsible for foreign trade administration in accordance with this Law neglects his duties, commits malpractice for personal gain or abuses his power, which constitutes a crime, he shall be investigated for criminal responsibility. If his act is not serious enough to constitute a crime, he shall be given an administrative sanction according to law.

Where a staff member of the department responsible for foreign trade administration in accordance with this Law, taking advantage of his position, extorts money or property from another person or illegally accepts another person's money or property in order to seek benefits for that person in return, which constitutes a crime, he shall be investigated for criminal responsibility in accordance with law. If his act is not serious enough to constitute a crime, he shall be given an administrative sanction according to law.

Article 66 Any party engaged in foreign trade activities, who is not satisfied with the specific administrative act by the department responsible for foreign trade administration in accordance with this Law, may apply for administrative reconsideration or bring an administrative lawsuit before the people's court in accordance with law.

Chapter XI Supplementary Provisions

Article 67 Where other laws and administrative regulations provide otherwise in respect of foreign trade administration of military supplies, fissionable or fusionable material or the substances from which such material is derived and the administration of the import and export of cultural products, the provisions there shall prevail.

Article 68 The State adopts flexible measures, and provides preferential treatment and convenience to trade between the border areas of China and those of its neighboring countries as well as trade among border residents. The specific measures in this regard shall be formulated by the State Council.

Article 69 This Law is not applicable to the separate customs territories of the People's Republic of China.

Article 70 This Law shall go into effect as of July 1, 2004.

http://www.gov.cn/flfg/2005-06/27/content_9851.htm

中华人民共和国对外贸易法

(1994年5月12日第八届全国人民代表大会常务委员会第七次会议通过, 2004年4月6日第十届全国人民代表大会常务委员会第八次会议修订。)

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第一章 总 则

第一条 为了扩大对外开放, 发展对外贸易, 维护对外贸易秩序, 保护对外贸易经营者的合法权益, 促进社会主义市场经济的健康发展, 制定本法。

第二条 本法适用于对外贸易以及与对外贸易有关的知识产权保护。

本法所称对外贸易, 是指货物进出口、技术进出口和国际服务贸易。

第三条 国务院对外贸易主管部门依照本法主管全国对外贸易工作。

第四条 国家实行统一的对外贸易制度, 鼓励发展对外贸易, 维护公平、自由的对外贸易秩序。

第五条 中华人民共和国根据平等互利的原则, 促进和发展同其他国家和地区的贸易关系, 缔结或者参加关税同盟协定、自由贸易区协定等区域经济贸易协定,

参加区域经济组织。

第六条 中华人民共和国在对外贸易方面根据所缔结或者参加的国际条约、协定，给予其他缔约方、参加方最惠国待遇、国民待遇等待遇，或者根据互惠、对等原则给予对方最惠国待遇、国民待遇等待遇。

第七条 任何国家或者地区在贸易方面对中华人民共和国采取歧视性的禁止、限制或者其他类似措施的，中华人民共和国可以根据实际情况对该国家或者该地区采取相应的措施。

第二章 对外贸易经营者

第八条 本法所称对外贸易经营者，是指依法办理工商登记或者其他执业手续，依照本法和其他有关法律、行政法规的规定从事对外贸易经营活动的法人、其他组织或者个人。

第九条 从事货物进出口或者技术进出口的对外贸易经营者，应当向国务院对外贸易主管部门或者其委托的机构办理备案登记；但是，法律、行政法规和国务院对外贸易主管部门规定不需要备案登记的除外。备案登记的具体办法由国务院对外贸易主管部门规定。对外贸易经营者未按照规定办理备案登记的，海关不予办理进出口货物的报关验放手续。

第十条 从事国际服务贸易，应当遵守本法和其他有关法律、行政法规的规定。

从事对外工程承包或者对外劳务合作的单位，应当具备相应的资质或者资格。具体办法由国务院规定。

第十一条 国家可以对部分货物的进出口实行国营贸易管理。实行国营贸易管理货物的进出口业务只能由经授权的企业经营；但是，国家允许部分数量的国营贸易管理货物的进出口业务由非授权企业经营的除外。实行国营贸易管理的货物和经授权经营企业的目录，由国务院对外贸易主管部门会同国务院其他有关部门确定、调整并公布。

违反本条第一款规定，擅自进出口实行国营贸易管理的货物的，海关不予放

行。

第十二条 对外贸易经营者可以接受他人的委托, 在经营范围内代为办理对外贸易业务。

第十三条 对外贸易经营者应当按照国务院对外贸易主管部门或者国务院其他有关部门依法作出的规定, 向有关部门提交与其对外贸易经营活动有关的文件及资料。有关部门应当为提供者保守商业秘密。

第三章 货物进出口与技术进出口

第十四条 国家准许货物与技术的自由进出口。但是, 法律、行政法规另有规定的除外。

第十五条 国务院对外贸易主管部门基于监测进出口情况的需要, 可以对部分自由进出口的货物实行进出口自动许可并公布其目录。

实行自动许可的进出口货物, 收货人、发货人在办理海关报关手续前提出自动许可申请的, 国务院对外贸易主管部门或者其委托的机构应当予以许可; 未办理自动许可手续的, 海关不予放行。

进出口属于自由进出口的技术, 应当向国务院对外贸易主管部门或者其委托的机构办理合同备案登记。

第十六条 国家基于下列原因, 可以限制或者禁止有关货物、技术的进口或者出口:

(一) 为维护国家安全、社会公共利益或者公共道德, 需要限制或者禁止进口或者出口的;

(二) 为保护人的健康或者安全, 保护动物、植物的生命或者健康, 保护环境, 需要限制或者禁止进口或者出口的;

(三) 为实施与黄金或者白银进出口有关的措施, 需要限制或者禁止进口或者出口的;

(四) 国内供应短缺或者为有效保护可能用竭的自然资源, 需要限制或者禁

止出口的；

（五）输往国家或者地区的市场容量有限，需要限制出口的；

（六）出口经营秩序出现严重混乱，需要限制出口的；

（七）为建立或者加快建立国内特定产业，需要限制进口的；

（八）对任何形式的农业、牧业、渔业产品有必要限制进口的；

（九）为保障国家国际金融地位和国际收支平衡，需要限制进口的；

（十）依照法律、行政法规的规定，其他需要限制或者禁止进口或者出口的；

（十一）根据我国缔结或者参加的国际条约、协定的规定，其他需要限制或者禁止进口或者出口的。

第十七条 国家对与裂变、聚变物质或者衍生此类物质的物质有关的货物、技术进出口，以及与武器、弹药或者其他军用物资有关的进出口，可以采取任何必要的措施，维护国家安全。

在战时或者为维护国际和平与安全，国家在货物、技术进出口方面可以采取任何必要的措施。

第十八条 国务院对外贸易主管部门会同国务院其他有关部门，依照本法第十六条和第十七条的规定，制定、调整并公布限制或者禁止进出口的货物、技术目录。

国务院对外贸易主管部门或者由其会同国务院其他有关部门，经国务院批准，可以在本法第十六条和第十七条规定的范围内，临时决定限制或者禁止前款规定目录以外的特定货物、技术的进口或者出口。

第十九条 国家对限制进口或者出口的货物，实行配额、许可证等方式管理；对限制进口或者出口的技术，实行许可证管理。

实行配额、许可证管理的货物、技术，应当按照国务院规定经国务院对外贸易主管部门或者经其会同国务院其他有关部门许可，方可进口或者出口。

国家对部分进口货物可以实行关税配额管理。

第二十条 进出口货物配额、关税配额，由国务院对外贸易主管部门或者国务院其他有关部门在各自的职责范围内，按照公开、公平、公正和效益的原则进行分配。具体办法由国务院规定。

第二十一条 国家实行统一的商品合格评定制度，根据有关法律、行政法规的规定，对进出口商品进行认证、检验、检疫。

第二十二条 国家对进出口货物进行原产地管理。具体办法由国务院规定。

第二十三条 对文物和野生动物、植物及其产品等，其他法律、行政法规有禁止或者限制进出口规定的，依照有关法律、行政法规的规定执行。

第四章 国际服务贸易

第二十四条 中华人民共和国在国际服务贸易方面根据所缔结或者参加的国际条约、协定中所作的承诺，给予其他缔约方、参加方市场准入和国民待遇。

第二十五条 国务院对外贸易主管部门和国务院其他有关部门，依照本法和其
他有关法律、行政法规的规定，对国际服务贸易进行管理。

第二十六条 国家基于下列原因，可以限制或者禁止有关的国际服务贸易：

- （一）为维护国家安全、社会公共利益或者公共道德，需要限制或者禁止的；
- （二）为保护人的健康或者安全，保护动物、植物的生命或者健康，保护环境，需要限制或者禁止的；
- （三）为建立或者加快建立国内特定服务产业，需要限制的；
- （四）为保障国家外汇收支平衡，需要限制的；
- （五）依照法律、行政法规的规定，其他需要限制或者禁止的；
- （六）根据我国缔结或者参加的国际条约、协定的规定，其他需要限制或者禁止的。

第二十七条 国家对与军事有关的国际服务贸易，以及与裂变、聚变物质或者衍生此类物质的物质有关的国际服务贸易，可以采取任何必要的措施，维护国家安全。

在战时或者为维护国际和平与安全，国家在国际服务贸易方面可以采取任何必要的措施。

第二十八条 国务院对外贸易主管部门会同国务院其他有关部门，依照本法第二十六条、第二十七条和其他有关法律、行政法规的规定，制定、调整并公布国际服务贸易市场准入目录。

第五章 与对外贸易有关的知识产权保护

第二十九条 国家依照有关知识产权的法律、行政法规，保护与对外贸易有关的知识产权。

进口货物侵犯知识产权，并危害对外贸易秩序的，国务院对外贸易主管部门可以采取在一定期限内禁止侵权人生产、销售的有关货物进口等措施。

第三十条 知识产权权利人有阻止被许可人对许可合同中的知识产权的有效性提出质疑、进行强制性一揽子许可、在许可合同中规定排他性返授条件等行为之一，并危害对外贸易公平竞争秩序的，国务院对外贸易主管部门可以采取必要的措施消除危害。

第三十一条 其他国家或者地区在知识产权保护方面未给予中华人民共和国的法人、其他组织或者个人国民待遇，或者不能对来源于中华人民共和国的货物、技术或者服务提供充分有效的知识产权保护的，国务院对外贸易主管部门可以依照本法和其他有关法律、行政法规的规定，并根据中华人民共和国缔结或者参加的国际条约、协定，对与该国家或者该地区的贸易采取必要的措施。

第六章 对外贸易秩序

第三十二条 在对外贸易经营活动中，不得违反有关反垄断的法律、行政法规的规定实施垄断行为。

在对外贸易经营活动中实施垄断行为，危害市场公平竞争的，依照有关反垄断的法律、行政法规的规定处理。有前款违法行为，并危害对外贸易秩序的，国务院对外贸易主管部门可以采取必要的措施消除危害。

第三十三条在对外贸易经营活动中，不得实施以不正当的低价销售商品、串通投标、发布虚假广告、进行商业贿赂等不正当竞争行为。

在对外贸易经营活动中实施不正当竞争行为的，依照有关反不正当竞争的法律、行政法规的规定处理。

有前款违法行为，并危害对外贸易秩序的，国务院对外贸易主管部门可以采取禁止该经营者有关货物、技术进出口等措施消除危害。

第三十四条在对外贸易活动中，不得有下列行为：

（一）伪造、变造进出口货物原产地标记，伪造、变造或者买卖进出口货物原产地证书、进出口许可证、进出口配额证明或者其他进出口证明文件；

（二）骗取出口退税；

（三）走私；

（四）逃避法律、行政法规规定的认证、检验、检疫；

（五）违反法律、行政法规规定的其他行为。

第三十五条对外贸易经营者在对外贸易经营活动中，应当遵守国家有关外汇管理的规定。

第三十六条违反本法规定，危害对外贸易秩序的，国务院对外贸易主管部门可以向社会公告。

第七章 对外贸易调查

第三十七条为了维护对外贸易秩序，国务院对外贸易主管部门可以自行或者会同国务院其他有关部门，依照法律、行政法规的规定对下列事项进行调查：

（一）货物进出口、技术进出口、国际服务贸易对国内产业及其竞争力的影响；

（二）有关国家或者地区的贸易壁垒；

（三）为确定是否应当依法采取反倾销、反补贴或者保障措施等对外贸易救济措施，需要调查的事项；

(四) 规避对外贸易救济措施的行为;

(五) 对外贸易中有关国家安全利益的事项;

(六) 为执行本法第七条、第二十九条第二款、第三十条、第三十一条、第三十二条第三款、第三十三条第三款的规定, 需要调查的事项;

(七) 其他影响对外贸易秩序, 需要调查的事项。

第三十八条 启动对外贸易调查, 由国务院对外贸易主管部门发布公告。

调查可以采取书面问卷、召开听证会、实地调查、委托调查等方式进行。

国务院对外贸易主管部门根据调查结果, 提出调查报告或者作出处理裁定, 并发布公告。

第三十九条 有关单位和个人应当对对外贸易调查给予配合、协助。

国务院对外贸易主管部门和国务院其他有关部门及其工作人员进行对外贸易调查, 对知悉的国家秘密和商业秘密负有保密义务。

第八章 对外贸易救济

第四十条 国家根据对外贸易调查结果, 可以采取适当的对外贸易救济措施。

第四十一条 其他国家或者地区的产品以低于正常价值的倾销方式进入我国市场, 对已建立的国内产业造成实质损害或者产生实质损害威胁, 或者对建立国内产业造成实质阻碍的, 国家可以采取反倾销措施, 消除或者减轻这种损害或者损害的威胁或者阻碍。

第四十二条 其他国家或者地区的产品以低于正常价值出口至第三国市场, 对我国已建立的国内产业造成实质损害或者产生实质损害威胁, 或者对我国建立国内产业造成实质阻碍的, 应国内产业的申请, 国务院对外贸易主管部门可以与该第三国政府进行磋商, 要求其采取适当的措施。

第四十三条 进口的产品直接或者间接地接受出口国家或者地区给予的任何形式的专向性补贴, 对已建立的国内产业造成实质损害或者产生实质损害威胁, 或者对建立国内产业造成实质阻碍的, 国家可以采取反补贴措施, 消除或者减轻

这种损害或者损害的威胁或者阻碍。

第四十四条因进口产品数量大量增加,对生产同类产品或者与其直接竞争的产品的国内产业造成严重损害或者严重损害威胁的,国家可以采取必要的保障措施,消除或者减轻这种损害或者损害的威胁,并可以对该产业提供必要的支持。

第四十五条因其他国家或者地区的服务提供者向我国提供的服务增加,对提供同类服务或者与其直接竞争的服务的国内产业造成损害或者产生损害威胁的,国家可以采取必要的救济措施,消除或者减轻这种损害或者损害的威胁。

第四十六条因第三国限制进口而导致某种产品进入我国市场的数量大量增加,对已建立的国内产业造成损害或者产生损害威胁,或者对建立国内产业造成阻碍的,国家可以采取必要的救济措施,限制该产品进口。

第四十七条与中华人民共和国缔结或者共同参加经济贸易条约、协定的国家或者地区,违反条约、协定的规定,使中华人民共和国根据该条约、协定享有的利益丧失或者受损,或者阻碍条约、协定目标实现的,中华人民共和国政府有权要求有关国家或者地区政府采取适当的补救措施,并可以根据有关条约、协定中止或者终止履行相关义务。

第四十八条国务院对外贸易主管部门依照本法和其他有关法律的规定,进行对外贸易的双边或者多边磋商、谈判和争端的解决。

第四十九条国务院对外贸易主管部门和国务院其他有关部门应当建立货物进出口、技术进出口和国际服务贸易的预警应急机制,应对对外贸易中的突发和异常情况,维护国家经济安全。

第五十条国家对规避本法规定的对外贸易救济措施的行为,可以采取必要的反规避措施。

第九章 对外贸易促进

第五十一条国家制定对外贸易发展战略,建立和完善对外贸易促进机制。

第五十二条国家根据对外贸易发展的需要,建立和完善为对外贸易服务的金

融机构，设立对外贸易发展基金、风险基金。

第五十三条国家通过进出口信贷、出口信用保险、出口退税及其他促进对外贸易的方式，发展对外贸易。

第五十四条国家建立对外贸易公共信息服务体系，向对外贸易经营者和其他社会公众提供信息服务。

第五十五条国家采取措施鼓励对外贸易经营者开拓国际市场，采取对外投资、对外工程承包和对外劳务合作等多种形式，发展对外贸易。

第五十六条对外贸易经营者可以依法成立和参加有关协会、商会。

有关协会、商会应当遵守法律、行政法规，按照章程对其成员提供与对外贸易有关的生产、营销、信息、培训等方面的服务，发挥协调和自律作用，依法提出有关对外贸易救济措施的申请，维护成员和行业的利益，向政府有关部门反映成员有关对外贸易的建议，开展对外贸易促进活动。

第五十七条中国国际贸易促进组织按照章程开展对外联系，举办展览，提供信息、咨询服务和其他对外贸易促进活动。

第五十八条国家扶持和促进中小企业开展对外贸易。

第五十九条国家扶持和促进民族自治地方和经济不发达地区发展对外贸易。

第十章 法律责任

第六十条违反本法第十一条规定，未经授权擅自进出口实行国营贸易管理的货物的，国务院对外贸易主管部门或者国务院其他有关部门可以处五万元以下罚款；情节严重的，可以自行政处罚决定生效之日起三年内，不受理违法行为人从事国营贸易管理货物进出口业务的应用，或者撤销已给予其从事其他国营贸易管理货物进出口的授权。

第六十一条进出口属于禁止进出口的货物的，或者未经许可擅自进出口属于限制进出口的货物的，由海关依照有关法律、行政法规的规定处理、处罚；构成犯罪的，依法追究刑事责任。

进出口属于禁止进出口的技术的，或者未经许可擅自进出口属于限制进出口的技术的，依照有关法律、行政法规的规定处理、处罚；法律、行政法规没有规定的，由国务院对外贸易主管部门责令改正，没收违法所得，并处违法所得一倍以上五倍以下罚款，没有违法所得或者违法所得不足一万元的，处一万元以上五万元以下罚款；构成犯罪的，依法追究刑事责任。

自前两款规定的行政处罚决定生效之日或者刑事处罚判决生效之日起，国务院对外贸易主管部门或者国务院其他有关部门可以在三年内不受理违法行为人提出的进出口配额或者许可证的申请，或者禁止违法行为人在一年以上三年以下的期限内从事有关货物或者技术的进出口经营活动。

第六十二条从事属于禁止的国际服务贸易的，或者未经许可擅自从事属于限制的国际服务贸易的，依照有关法律、行政法规的规定处罚；法律、行政法规没有规定的，由国务院对外贸易主管部门责令改正，没收违法所得，并处违法所得一倍以上五倍以下罚款，没有违法所得或者违法所得不足一万元的，处一万元以上五万元以下罚款；构成犯罪的，依法追究刑事责任。

国务院对外贸易主管部门可以禁止违法行为人自前款规定的行政处罚决定生效之日或者刑事处罚判决生效之日起一年以上三年以下的期限内从事有关的国际服务贸易经营活动。

第六十三条违反本法第三十四条规定，依照有关法律、行政法规的规定处罚；构成犯罪的，依法追究刑事责任。

国务院对外贸易主管部门可以禁止违法行为人自前款规定的行政处罚决定生效之日或者刑事处罚判决生效之日起一年以上三年以下的期限内从事有关的对外贸易经营活动。

第六十四条依照本法第六十一条至第六十三条规定被禁止从事有关对外贸易经营活动的，在禁止期限内，海关根据国务院对外贸易主管部门依法作出的禁止决定，对该对外贸易经营者的有关进出口货物不予办理报关验放手续，外汇管

理部门或者外汇指定银行不予办理有关结汇、售汇手续。

第六十五条 依照本法负责对外贸易管理工作的部门的工作人员玩忽职守、徇私舞弊或者滥用职权，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

依照本法负责对外贸易管理工作的部门的工作人员利用职务上的便利，索取他人财物，或者非法收受他人财物为他人谋取利益，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第六十六条 对外贸易经营活动当事人对依照本法负责对外贸易管理工作的部门作出的具体行政行为不服的，可以依法申请行政复议或者向人民法院提起行政诉讼。

第十一章 附则

第六十七条 与军品、裂变和聚变物质或者衍生此类物质的物质有关的对外贸易管理以及文化产品的进出口管理，法律、行政法规另有规定的，依照其规定。

第六十八条 国家对边境地区与接壤国家边境地区之间的贸易以及边民互市贸易，采取灵活措施，给予优惠和便利。具体办法由国务院规定。

第六十九条 中华人民共和国的单独关税区不适用本法。

第七十条 本法自 2 0 0 4 年 7 月 1 日起施行。